

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LYDIA QUINTANA
2022 Agnolo Drive
S. San Gabriel, CA 91770

Registered Nurse License No. 382898

Respondent

Case No. 2007-26

OAH No. L-2008090602

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **November 7, 2009**.

IT IS SO ORDERED **October 7, 2009**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA, State Bar No. 216956
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-0083
Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 LYDIA QUINTANA
2022 Agnolo Drive
S. San Gabriel, CA 91770

14 Registered Nurse License No. 382898

15 Respondent.

Case No. 2007-26

OAH No. L-2008090602

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Alvaro Mejia, Deputy Attorney General.

24 2. Respondent Lydia Quintana (Respondent) is represented in this
25 proceeding by attorney Christopher R. Peck, Esq., whose address is Carroll, Kelly, Trotter,
26 Franzen & McKenna, 111 West Ocean Blvd., 14th Floor, Long Beach, CA 90802-4646.

27 ///

28 ///

1 3. On or about March 31, 1985, the Board of Registered Nursing issued
2 Registered Nurse License No. 382898 to Lydia Quintana. The Registered Nurse License was in
3 full force and effect at all times relevant to the charges brought in Accusation No. 2007-26 and
4 will expire on May 31, 2010, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 2007-26 was filed before the Board of Registered Nursing
7 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The
8 Accusation and all other statutorily required documents were properly served on Respondent on
9 August 16, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A
10 copy of Accusation No. 2007-26 is attached as exhibit A and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and
13 understands the charges and allegations in Accusation No. 2007-26. Respondent has also
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
15 Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
18 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
19 the right to present evidence and to testify on her own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3

2
3

4
5
6

7

8
9
0
1

?

3
4
5
6
7
8
9
0
1
2

3
4
5

6
7
8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

14. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

///
///

1 16. **Report in Person.** Respondent, during the period of probation, shall
2 appear in person at interviews/meetings as directed by the Board or its designated
3 representatives.

4 17. **Residency, Practice, or Licensure Outside of State.** Periods of
5 residency or practice as a registered nurse outside of California shall not apply toward a
6 reduction of this probation time period. Respondent's probation is tolled, if and when she
7 resides outside of California. Respondent must provide written notice to the Board within 15
8 days of any change of residency or practice outside the state, and within 30 days prior to re-
9 establishing residency or returning to practice in this state.

10 Respondent shall provide a list of all states and territories where she has ever been
11 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
12 provide information regarding the status of each license and any changes in such license status
13 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
14 new nursing license during the term of probation.

15 18. **Submit Written Reports.** Respondent, during the period of probation,
16 shall submit or cause to be submitted such written reports/declarations and verification of actions
17 under penalty of perjury, as required by the Board. These reports/declarations shall contain
18 statements relative to Respondent's compliance with all the conditions of the Board's Probation
19 Program. Respondent shall immediately execute all release of information forms as may be
20 required by the Board or its representatives.

21 Respondent shall provide a copy of this Decision to the nursing regulatory agency
22 in every state and territory in which she has a registered nurse license.

23 19. **Function as a Registered Nurse.** Respondent, during the period of
24 probation, shall engage in the practice of registered nursing in California for a minimum of 24
25 hours per week for 6 consecutive months or as determined by the Board.

26 For purposes of compliance with the section, "engage in the practice of registered
27 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
28 work in any non-direct patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice
2 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
3 Board.

4 If Respondent has not complied with this condition during the probationary term,
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may
7 grant an extension of Respondent's probation period up to one year without further hearing in
8 order to comply with this condition. During the one year extension, all original conditions of
9 probation shall apply.

10 **20. Employment Approval and Reporting Requirements.** Respondent
11 shall obtain prior approval from the Board before commencing or continuing any employment,
12 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
13 performance evaluations and other employment related reports as a registered nurse upon request
14 of the Board.

15 Respondent shall provide a copy of this Decision to her employer and immediate
16 supervisors prior to commencement of any nursing or other health care related employment.

17 In addition to the above, Respondent shall notify the Board in writing within
18 seventy-two (72) hours after she obtains any nursing or other health care related employment.
19 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
20 terminated or separated, regardless of cause, from any nursing, or other health care related
21 employment with a full explanation of the circumstances surrounding the termination or
22 separation.

23 **21. Supervision.** Respondent shall obtain prior approval from the Board
24 regarding Respondent's level of supervision and/or collaboration before commencing or
25 continuing any employment as a registered nurse, or education and training that includes patient
26 care.

27 Respondent shall practice only under the direct supervision of a registered nurse
28 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in
8 the patient care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has
10 person-to-person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health
12 care setting, the individual providing supervision and/or collaboration shall have person-to-
13 person communication with Respondent as required by the Board each work day. Respondent
14 shall maintain telephone or other telecommunication contact with the individual providing
15 supervision and/or collaboration as required by the Board during each work day. The individual
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
17 site visits to patients' homes visited by Respondent with or without Respondent present.

18 22. **Employment Limitations.** Respondent shall not work for a nurse's
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,
20 a traveling nurse, or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse
22 unless the registered nursing supervision and other protections for home visits have been
23 approved by the Board. Respondent shall not work in any other registered nursing occupation
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered
26 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

28 Respondent shall not work as a faculty member in an approved school of nursing

1 or as an instructor in a Board approved continuing education program.

2 Respondent shall work only on a regularly assigned, identified and predetermined
3 worksite(s) and shall not work in a float capacity.

4 If Respondent is working or intends to work in excess of 40 hours per week, the
5 Board may request documentation to determine whether there should be restrictions on the hours
6 of work.

7 23. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
8 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
9 than six months prior to the end of her probationary term.

10 Respondent shall obtain prior approval from the Board before enrolling in the
11 course(s). Respondent shall submit to the Board the original transcripts or certificates of
12 completion for the above required course(s). The Board shall return the original documents to
13 Respondent after photocopying them for its records.

14 24. **Cost Recovery.** Respondent shall pay to the Board costs associated with
15 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
16 amount of \$3,900.00. Respondent shall be permitted to pay these costs in a payment plan
17 approved by the Board, with payments to be completed no later than three (3) months prior to the
18 end of the probation term.

19 If Respondent has not complied with this condition during the probationary term,
20 and Respondent has presented sufficient documentation of her good faith efforts to comply with
21 this condition, and if no other conditions have been violated, the Board, in its discretion, may
22 grant an extension of Respondent's probation period up to one year without further hearing in
23 order to comply with this condition. During the one year extension, all original conditions of
24 probation will apply.

25 25. **Violation of Probation.** If Respondent violates the conditions of her
26 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
27 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
28 license.

1 If during the period of probation, an accusation or petition to revoke probation has
2 been filed against Respondent's license or the Attorney General's Office has been requested to
3 prepare an accusation or petition to revoke probation against Respondent's license, the
4 probationary period shall automatically be extended and shall not expire until the accusation or
5 petition has been acted upon by the Board.

6 **26. License Surrender.** During Respondent's term of probation, if she ceases
7 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
8 probation, Respondent may surrender her license to the Board. The Board reserves the right to
9 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
10 take any other action deemed appropriate and reasonable under the circumstances, without
11 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
12 will no longer be subject to the conditions of probation.

13 Surrender of Respondent's license shall be considered a disciplinary action and
14 shall become a part of Respondent's license history with the Board. A registered nurse whose
15 license has been surrendered may petition the Board for reinstatement no sooner than the
16 following minimum periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any
18 reason other than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 **27. Physical Examination.** Within 45 days of the effective date of this
21 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
22 physician assistant, who is approved by the Board before the assessment is performed, submit an
23 assessment of the Respondent's physical condition and capability to perform the duties of a
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
25 medically determined, a recommended treatment program will be instituted and followed by the
26 Respondent with the physician, nurse practitioner, or physician assistant providing written
27 reports to the Board on forms provided by the Board.

28 ///

1 If Respondent is determined to be unable to practice safely as a registered nurse,
2 the licensed physician, nurse practitioner, or physician assistant making this determination shall
3 immediately notify the Board and Respondent by telephone, and the Board shall request that the
4 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
5 shall immediately cease practice and shall not resume practice until notified by the Board.
6 During this period of suspension, Respondent shall not engage in any practice for which a
7 license issued by the Board is required until the Board has notified Respondent that a medical
8 determination permits Respondent to resume practice. This period of suspension will not apply
9 to the reduction of this probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board within
11 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
12 practice until notified by the Board. This period of suspension will not apply to the reduction of
13 this probationary time period. The Board may waive or postpone this suspension only if
14 significant, documented evidence of mitigation is provided. Such evidence must establish good
15 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
16 provided. Only one such waiver or extension may be permitted.

17 **28. Participate in Treatment/Rehabilitation Program for Chemical**
18 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
19 period or shall have successfully completed prior to commencement of probation a Board-
20 approved treatment/rehabilitation program of at least six months duration. As required, reports
21 shall be submitted by the program on forms provided by the Board. If Respondent has not
22 completed a Board-approved treatment/rehabilitation program prior to commencement of
23 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled
24 in a program. If a program is not successfully completed within the first nine months of
25 probation, the Board shall consider Respondent in violation of probation.

26 ///

27 ///

28 ///

1 Based on Board recommendation, each week Respondent shall be required to
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g.,
3 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and
4 directed by the Board. If a nurse support group is not available, an additional 12-step meeting or
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
6 such attendance to the Board during the entire period of probation. Respondent shall continue
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
8 mental health examiner and/or other ongoing recovery groups.

9 **29. Abstain from Use of Psychotropic (Mood-Altering) Drugs.**

10 Respondent shall completely abstain from the possession, injection or consumption by any route
11 of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except
12 when the same are ordered by a health care professional legally authorized to do so as part of
13 documented medical treatment. Respondent shall have sent to the Board, in writing and within
14 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
15 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
16 medication will no longer be required, and the effect on the recovery plan, if appropriate.

17 Respondent shall identify for the Board a single physician, nurse practitioner or
18 physician assistant who shall be aware of Respondent's history of substance abuse and will
19 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
20 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
21 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
22 condition. If any substances considered addictive have been prescribed, the report shall identify
23 a program for the time limited use of any such substances.

24 The Board may require the single coordinating physician, nurse practitioner, or
25 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
26 addictive medicine.

27 ///

28 ///

1 30. **Submit to Tests and Samples.** Respondent, at her expense, shall
2 participate in a random, biological fluid testing or a drug screening program which the Board
3 approves. The length of time and frequency will be subject to approval by the Board.
4 Respondent is responsible for keeping the Board informed of Respondent's current telephone
5 number at all times. Respondent shall also ensure that messages may be left at the telephone
6 number when she is not available and ensure that reports are submitted directly by the testing
7 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
8 to the Board by the program and Respondent shall be considered in violation of probation.

9 In addition, Respondent, at any time during the period of probation, shall fully
10 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
11 tests and samples as the Board or its representatives may require for the detection of alcohol,
12 narcotics, hypnotics, dangerous drugs, or other controlled substances.

13 If Respondent has a positive drug screen for any substance not legally authorized
14 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
15 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
16 from practice pending the final decision on the petition to revoke probation or the accusation.
17 This period of suspension will not apply to the reduction of this probationary time period.

18 If Respondent fails to participate in a random, biological fluid testing or drug
19 screening program within the specified time frame, Respondent shall immediately cease practice
20 and shall not resume practice until notified by the Board. After taking into account documented
21 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
22 Board may suspend Respondent from practice pending the final decision on the petition to
23 revoke probation or the accusation. This period of suspension will not apply to the reduction of
24 this probationary time period.

25 31. **Mental Health Examination.** Respondent shall, within 45 days of the
26 effective date of this Decision, have a mental health examination including psychological testing
27 as appropriate to determine her capability to perform the duties of a registered nurse. The
28 examination will be performed by a psychiatrist, psychologist or other licensed mental health

1 practitioner approved by the Board. The examining mental health practitioner will submit a
2 written report of that assessment and recommendations to the Board. All costs are the
3 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
4 result of the mental health examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse,
6 the licensed mental health care practitioner making this determination shall immediately notify
7 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately
9 cease practice and may not resume practice until notified by the Board. During this period of
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board
11 is required, until the Board has notified Respondent that a mental health determination permits
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this
13 probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within
15 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
16 practice until notified by the Board. This period of suspension will not apply to the reduction of
17 this probationary time period. The Board may waive or postpone this suspension only if
18 significant, documented evidence of mitigation is provided. Such evidence must establish good
19 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
20 provided. Only one such waiver or extension may be permitted.

21 32. **Therapy or Counseling Program.** Respondent, at her expense, shall
22 participate in an on-going counseling program until such time as the Board releases her from this
23 requirement and only upon the recommendation of the counselor. Written progress reports from
24 the counselor will be required at various intervals.

25 ACCEPTANCE

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and
27 have fully discussed it with my attorney, Christopher R. Peck, Esq. I understand the stipulation
28 and the effect it will have on my Registered Nurse License. I enter into this Stipulated

1 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
2 bound by the Decision and Order of the Board of Registered Nursing.

3 DATED: January 8, 2009.

4
5 
6 LYDIA QUINTANA
Respondent

7 I have read and fully discussed with Respondent Lydia Quintana the terms and
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
9 Order. I approve its form and content.

10 DATED: 1/12/09.

11
12 
13 CHRISTOPHER R. PECK, ESQ.
Attorney for Respondent

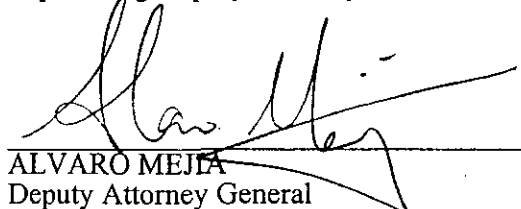
14
15 **ENDORSEMENT**

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
18 Affairs.

19 DATED: 1/14/2009

20 EDMUND G. BROWN JR., Attorney General
of the State of California

21 GREGORY J. SALUTE
22 Supervising Deputy Attorney General

23 
24
25 ALVARO MEJIA
26 Deputy Attorney General

27 Attorneys for Complainant

Exhibit A
Accusation No. 2007-26

1 BILL LOCKYER, Attorney General
of the State of California
2 BEN E. JOHNSON, State Bar No. 84406
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2095
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.: 2007-26

12 LYDIA QUINTANA
2022 Agnolo Drive
S. San Gabriel, CA 91770

A C C U S A T I O N

13 Registered Nurse License No. 382898

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about March 31, 1985, the Board of Registered Nursing issued Registered
22 Nurse License No. 382898 to Lydia Quintana (Respondent). The Registered Nurse License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on May
24 31, 2008, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1

2

6

11

12

14

15

16

19

20

23

24

27

28

1 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
2 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

3 “(b) No person shall make a false statement in any prescription, order, report, or
4 record, required by the division.”

5 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request
6 the administrative law judge to direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 CONTROLLED SUBSTANCE

10 10. Demerol, a brand of meperidine hydrochloride, a derivative of pethidine, is a
11 Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(17)
12 and is categorized as a dangerous drug pursuant to section 4022 of the Code.

13 FIRST CAUSE FOR DISCIPLINE

14 (Falsified Hospital Records)

15 11. Respondent is subject to disciplinary action for unprofessional conduct, pursuant
16 to sections 2761(a), and 2762(e), in that while on duty as a registered nurse at the Greater El
17 Monte Community Hospital, in South El Monte, California, Respondent falsified, made grossly
18 incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records to obtain
19 controlled substances as follows:

20 Patient T. R.

21 a. On or about February 15, 2002, at 0700 hours, Respondent signed out
22 Demerol 75mg. from the “Controlled Drug Administration Record” (CDAR) for patient T. R.
23 Respondent failed to chart the administration of Demerol 75mg., in the patient’s “Medical
24 Administration Record” (MAR). Respondent failed to record any wastage or otherwise account
25 for the Demerol 75mg. The physician’s order was for Demerol 75mg. IM every four hours as
26 needed for pain.

27 //

28 //

Patient C. D.

b.. On or about February 15, 2002, at 2400 hours, Respondent signed out Demerol 50mg. from the CDAR for patient C. D. Respondent failed to chart the administration of Demerol 50mg. in the patient's MAR. Respondent failed to record any wastage or otherwise account for Demerol 50mg. The physician's order was for Demerol 50mg. IM every four hours as needed.

c. On or about February 16, 2002, at 0030 hours, Respondent signed out Demerol 50mg. from the CDAR for patient C. D. Respondent failed to chart the administration of Demerol 50mg. in the patient's MAR. Respondent failed to record any wastage or otherwise account for Demerol 50mg. The physician's order was for Demerol 50mg. IM every four hours as needed.

d. On or about February 16, 2002, at 2315 hours, Respondent signed out Demerol 50mg. from the CDAR for patient C. D. Respondent failed to chart the administration of Demerol 50mg. in the patient's MAR. Respondent failed to record wastage or otherwise account for Demerol 50mg. The physician's order was for Demerol 50mg. IM every four hours as needed.

e. On or about February 17, 2002, at 0310 hours, Respondent signed out Demerol 50mg. from the CDAR for patient C. D. Respondent failed to chart the administration of Demerol 50mg. in the patient's MAR. Respondent failed to record any wastage or otherwise account for Demerol 50mg. The physician's order was for Demerol 50mg. IM every four hours as needed.

f. On February 17, 2002, between 0310 hours and the change of shift, Respondent signed out Demerol 100mg. from the CDAR for patient C. D. Respondent failed to chart the administration of Demerol 100mg. in the patient's MAR for February 17, 2002. Respondent failed to record any wastage or otherwise account for Demerol 100mg. The physician's order was for Demerol 50mg. IM every four hours as needed.

g. On or about February 18, 2002, at 0010 hours, Respondent signed out Demerol 50mg. from the CDAR for patient C. D. Respondent failed to chart the administration

1 of Demerol 50mg. in the patient's MAR. Respondent failed to record any wastage or otherwise
2 account for Demerol 50 mg. The physician's order was for Demerol 50mg. IM every four hours
3 as needed.

4 h. On or about February 18, 2002, at 0205 hours, Respondent signed out
5 Demerol 50mg. from the CDAR for patient C. D. Respondent failed to chart the administration
6 of Demerol 50mg. in the patient's MAR. Respondent failed to record any wastage or otherwise
7 account for Demerol 50 mg. The physician's order was for Demerol 50mg. IM every four hours
8 as needed.

9 i. On or about February 18, 2002, at 0700 hours, Respondent signed out
10 Demerol 50mg. from the CDAR for patient C. D. Respondent failed to chart the administration
11 of Demerol 50mg. in the patient's MAR. Respondent failed to record any wastage or otherwise
12 account for Demerol 50 mg. The physician's order was for Demerol 50mg. IM every four hours
13 as needed.

14 **Patient G. G.**

15 j.. On or about February 26, 2002, at 0600 hours, Respondent signed out
16 Demerol 75mg. from the CDAR for patient G. G. Respondent charted the administration of
17 Demerol 75mg. at 0530 hours, 30 minutes before the CDAR indicated that Respondent removed
18 the drug. The physician's order was for Demerol 75mg., IM every four hours as needed

19 k.. On or about February 26, 2002, at 2120 hours, Respondent signed out
20 Demerol 75mg. from the CDAR for patient G. G. Respondent charted the administration of
21 Demerol 75mg. at 2100 hours, twenty minutes before the CDAR indicated that she removed the
22 drug. The physician's order was for Demerol 75mg., IM every four hours as needed.

23 l. On or about February 27, 2002, at 0045 hours, Respondent signed out
24 Demerol 75mg., from the CDAR for patient G. G. Respondent failed to chart the administration
25 of Demerol 75mg. in the patient's MAR. Respondent failed to record any wastage or otherwise
26 account for Demerol 75 mg. The physician's order was for Demerol 75mg. IM every four hours
27 as needed.

1 m. On or about February 27, 2002, at 0330 hours, Respondent signed out
2 Demerol 75mg., from the CDAR for patient G. G. Respondent failed to chart the administration
3 of Demerol 75mg. in the patient's MAR. Respondent failed to record any wastage or otherwise
4 account for Demerol 50 mg. The physician's order was for Demerol 75mg. IM every four hours
5 as needed.

6 n. Again, on or about February 27, 2002, at 0330 hours, Respondent signed
7 out Demerol 75mg., from the CDAR for patient G. G. Respondent failed to chart the
8 administration of Demerol 75mg. in the patient's MAR. Respondent failed to record any
9 wastage or otherwise account for Demerol 50 mg. The physician's order was for Demerol 75mg.
10 IM every four hours as needed.

11
12 SECOND CAUSE FOR DISCIPLINE

13 (Obtained Controlled Substances By Fraud or Deceit)

14 12. From on or about February 10, 2002, through February 28, 2002, Respondent,
15 while on duty as a registered nurse at the Greater El Monte Community Hospital, used fraud,
16 deceit, misrepresentation and the concealment of material facts, as more fully set forth in
17 paragraph 11 above, to obtain Demerol, a controlled substance, in violation of Health and Safety
18 Code section 11173(a).

19
20 PRAYER


21
22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License Number 382898, issued to
25 Lydia Quintana.

26 2. Ordering Lydia Quintana to pay the Board of Registered Nursing the reasonable
27 costs of the investigation and enforcement of this case, pursuant to Business and Professions
28 Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/25/06


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant